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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,246	05/03/2006	Peter Dopfer	DOPF3003/JJC/PMB	8678

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EXAMINER	
SEVERSON, JEREMY R	
ART UNIT	PAPER NUMBER
3653	

MAIL DATE	DELIVERY MODE
07/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,246	DOPFER ET AL.	
	Examiner	Art Unit	
	Jeremy Severson	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,10-16,18,19 and 22-24* is/are rejected.

7)☒ Claim(s) *5,8,9,17,20 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 March 2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 7, 10-16, 18, 19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuthold (US 5,803,446).

Regarding claim 1, Leuthold discloses an apparatus for continuously singling stacks of loose sheet material, comprising: a singling unit 31 for singling a stack of loose sheet material; a feeding device for moving stacked loose sheet material to be singled along a feeding path from a deposit position to a position in which the uppermost sheet of the stacked loose sheet material can be grasped by the singling unit; and a stack inserting device (col. 2, lines 13-14) for moving a stack of loose sheet material to be singled along an insertion direction into the deposit position, wherein the feeding device

has a first feeding element 20 being movable at least along two axes relative to the singling unit, a first axis of the axes being parallel to the feeding path and a second axis of the axes being orthogonal to the feeding path, the first feeding element being moveable along the second axis to be inserted into the feeding path, and a second feeding element 40 being uniaxially movable along the feeding path from a first position in which a stack of loose sheet material is insertable into the deposit position to a second position in which the uppermost sheet of the stack contacts the first feeding element. Leuthold does not explicitly disclose that the insertion direction is orthogonal to the second axis of the movement of the sheet feeding element 20. However, Leuthold discloses that the input pockets can be filled automatically with the help of robots. Col. 2, lines 13-14. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the insertion direction orthogonal to the second axis of the movement of the sheet feeding element 20, in order to align the stack against retaining wall 15.

Regarding claim 2, Leuthold discloses the apparatus according to claim 1, wherein the first feeding element 20 brings, by a uniaxial feeding motion, a stack of loose sheet material to be singled from the deposit position to the position in which the uppermost sheet of the stack 2 can be grasped by the singling unit 31 and, by being moved out of the feeding path, unites the stack to be singled with a stack to be fed located below the first feeding element.

Regarding claim 3, Leuthold discloses the apparatus according to claim 1, wherein, the second feeding element 40 brings, by a uniaxial motion on the feeding

path, the stack to be fed from the deposit position to a position in which the uppermost sheet of the stack 2 to be fed comes to lie below the first feeding element 20.

Regarding claims 4-7, see, e.g., fig. 5.

Regarding claim 10, Leuthold discloses the apparatus according to claim 1, including one or more sensors configured to detect at least one of the presence of a stack fed by the second feeding element below the first feeding element, the last sheet of a stack to be singled, and a stack to be fed located in the deposit position. See claim 3 of Leuthold.

Regarding claim 11, Leuthold discloses the apparatus according to claim I, wherein the first and second feeding elements are driven by stationary motors. Col. 3, lines 54-57.

Regarding claim 12, Leuthold discloses the apparatus according to claim 1, wherein feeding stacks of sheets to be singled to the feeding device may be carried out automatically and manually. See col. 2, lines 13-14.

Regarding claim 13, Leuthold discloses a method for continuously singling stacks of loose sheet material, comprising: moving a stack of loose sheet material to be singled along an insertion direction into a deposit position by means of a stack inserting device; and moving stacked loose sheet material to be singled along a feeding path from the deposit position to a position from which an uppermost sheet of the stacked loose sheet material is grasped and singled by a singling unit by means of a feeding device having a first feeding element being movable at least along two axes relative to the singling unit, a first axis of the axes being parallel to the feeding path and a second axis of the axes

being orthogonal to both the feeding path and the insertion direction, the first feeding element being moveable along the second axis to be inserted into the feeding path, and a second feeding element being uniaxially movable along the feeding path from a first position in which a stack of loose sheet material is insertable into the deposit position to a second position in which the uppermost sheet of the stack contacts the first feeding element.

Regarding claims 14-16, 18 and 19see, e.g., fig. 5.

Regarding claim 22, see col. 5, lines 4-13.

Regarding claim 23, Leuthold discloses the method according to claim 13, wherein at least one of a stack of loose sheet material to be fed located in the deposit position and the last sheet to be singled in a stack to be singled is recognized automatically. See claim 3 of Leuthold.

Regarding claim 24, Leuthold discloses a method for continuous sheet-by-sheet singling of stacks of loose bank notes, comprising: utilizing the apparatus of claim 1 to single the stacks of loose bank notes in a processing apparatus, wherein the singled bank notes are automatically checked and deposited. See col. 1, line 63 - col. 2, line 4.

Allowable Subject Matter

Claims 5, 8, 9, 17, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art Unit 3653

jrs